

REMARKS

Claims 1-20, 22, 24, 26-48, 50, 52, 54-76, 78, 80, and 82 were pending as of the action mailed on January 10, 2008. Claims 22, 28, 50, 56, 78, and 82 are being amended. No claims are being cancelled or newly added. No new matter has been added. Claims 22, 50, and 78 are being amended to correct an antecedent basis problem. Support for the amendments to claims 28, 56, and 82 can be found in the specification at least at page 4, lines 20-29; page 6, lines 21-24; page 8, lines 4-20; and page 10, line 11 through page 11, line 27.

Reexamination of the application and reconsideration of the action are respectfully requested in light of the foregoing amendments and the following remarks.

Interview Summary

The applicant thanks Examiner Wood for the courtesy of the in-person interview conducted on January 22, 2008. The time spent with the applicant's representatives Hans R. Troesch and Arrienne M. Lezak was greatly appreciated. During the interview the claims were discussed in light of the cited prior art. Specifically, the applicant's representatives explained that the cited prior art does not teach or suggest a stateless update server that does not control or monitor the update process on the client environment.

Section 102 Rejections

Claims 1-15, 18-20, 22, 24, 26, 29-43, 46-48, 50, 52, 54, 57-71, 74-76, 78, and 80 were rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,151,643 ("Cheng").

Claim 1

Claim 1 recites receiving update information from a stateless update server where the update server does not receive or evaluate information about the client environment, does not make decisions regarding the update process on the client environment, and does not control or monitor the update process on the client environment.

On page 4 of the Office Action mailed January 10, 2008, the examiner rejects this limitation citing Cheng, FIG. 1, element 102 and col. 13, lines 48-57. Element 102 of FIG. 1 shows a “service provider computer system” and the cited text reads as follows:

In the preferred embodiment, the analysis 204 is preferably performed by the client application 104 on the client computer 101. This reduces the network bandwidth required, and the potentially unreliability of non-stateless remote procedure call implementations by having the service provider 102 perform the analysis. It further increases the number of simultaneous users of the service provider computer 102. The analyze process is performed by the system analyzer 907 module of the client application 104.

The cited portion of Cheng teaches an analysis performed by the client application on the client computer. The analysis is of software products installed on the client computer (Cheng, col. 13, lines 46-47), and is used to “query the service provider computer to determine for which of these products there is an applicable update” (Cheng, col. 14, lines 41-44).

However, the cited portion of Cheng does not teach or suggest an update server that does not receive or evaluate information about the client environment, does not make decisions regarding the update process on the client environment, and does not control or monitor the update process on the client environment. While the cited portion of Cheng does identify an action performed by the client, it is silent as to actions performed or not performed by a stateless server. The disclosure of an action performed by a client application does not disclose or suggest receiving updates from a stateless server as recited in claim 1. Moreover, the applicant respectfully submits that Cheng teaches away from the limitations recited in claim 1.

For example, in the Abstract, Cheng discloses “the service provider computer system [which] stores in an update database...information for identifying in the client computers and the software products stored thereon, and information for determining for such products, which have software updates available” (emphasis added). Additionally, in col. 7, at line 54, Cheng further discloses “for each of the installed software products on the list, the client application 104 determines 205 if there is an applicable, or relevant update for the software product. This determination is made in consultation with the service provider computer 102, which maintains,

as further described below, a database including a list of available software updates for numerous software products of diverse software vendors” (emphasis added).

Additionally, in describing FIG. 7, “the service provider computer”, Cheng describes an “update database 709 [which] maintains...information for identifying software products installed on a client computer 101, and for uniquely distinguishing the versions and names of installed software products” (Cheng, col. 10, lines 26-62). Moreover, in col. 19, at line 50, Cheng describes a “user profile database 711 [which] maintains a profile for each user containing information about which products the user has shown an interest...” (emphasis added). Finally, in col. 22, at line 28, Cheng describes an “advertising and information database”, where “the access that the service provider computer 102 has to the software profile of the client computers 101 lends itself to sending information, advertisements, and other promotional material that would be appropriate to each specific user, based on the software installed on the user’s computer” (emphasis added).

Thus, the applicant respectfully submits that Cheng clearly requires the maintenance of an update database and a user profile database in the service provider computer. The update database maintains information for identifying software products installed on a client computer. The user profile database maintains a profile for each user containing information about which products the user has shown an interest. Additionally, the client application in Cheng consults with the service provider before determining if there is an applicable, or relevant update for the software product. Thus, for example, by having the service provider aid in the determination of an applicable update, Cheng teaches a service provider that can make a decision regarding the update process on the client. Moreover, the service provider in Cheng sends information, advertisements, and other promotional material that would be appropriate to each specific user, based on the software installed on the user’s computer.

Thus, Cheng discloses several operations associated with updating software that are performed on a server. To the extent that these operations are interpreted by the examiner as controlling, monitoring, and making decisions regarding the update process on the client, these server based operations teach away from the requirements of claim 1.

Therefore, the applicant respectfully submits that Cheng teaches away from the limitations recited in claim 1, including, an update server that does not receive or evaluate information about the client environment, does not make decisions regarding the update process on the client environment, and does not control or monitor the update process on the client environment.

As set forth above, Cheng does not disclose or suggest an update server that does not receive or evaluate information about the client environment, does not make decisions regarding the update process on the client environment, and does not control or monitor the update process on the client environment, as recited in claim 1. Moreover, Cheng specifically teaches away from the limitations recited in claim 1. Therefore, the applicant respectfully submits that the examiner has not provided art rejecting each limitation recited in claim 1. Thus, the applicant submits that claim 1 is in condition for allowance.

Claims 29 and 57

Claims 29 and 57 include features corresponding to those of claim 1 and were rejected for the same reasons. Therefore, claims 29 and 57 are allowable for at least the reasons set forth above with respect to claim 1.

Remaining Claims

The remaining claims depend from independent claims 1, 29, and 57, and are allowable for at least the reasons that apply to those independent claims.

Withdrawal of the rejection under 35 U.S.C. § 102(b), is therefore respectfully requested.

Section 103 Rejections

Claims 16, 17, 28, 44, 45, 56, 72, 73, and 82 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cheng in view of U.S. Patent No. 6,904,592 ("Johnson").

Claims 27 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng in view of Applicant Admitted Prior Art ("AAPA").

Claims 28, 56, and 82

To expedite prosecution, claims 28, 56, and 82 have been amended to recite a stateless server which does not receive or evaluate information about the client environment, does not make decisions regarding the update process on the client environment, and does not control or monitor the update process on the client environment. The applicant respectfully submits that the combined teachings of Cheng and Johnson do not teach or describe this feature as noted above with respect to the rejection under 35 U.S.C. § 102(b). Additionally, the combined teachings of Cheng, Johnson, and AAPA do not teach or suggest this feature, and thus the applicant submits that claims 28, 56 and 82 are in condition for allowance.

Remaining Claims

Claims 16, 17, and 27 depend from independent claim 1, claims 44, 45, and 55 depend from independent claim 29, and claims 72 and 73 depend from independent claim 57. Claims 16, 17, 27, 44, 45, 55, 72, and 73 are allowable for at least the reasons that apply to the independent claims from which they depend.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

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Respectfully submitted,

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